

September 17, 2009 (/full-blog/2009/09/animal-cruelty-in-kentucky-are-horses.html)

## Animal Cruelty in Kentucky: Are Horses Provided Adequate Protection? (/full-blog/2009/09/animal-cruelty-in-kentucky-are-horses.html)

"Animal Cruelty" (/full-blog?category=%22Animal+Cruelty%22)

(http://i37.photobucket.com/albums/e81/hipony228/Horses/Barbaro.jpg)



**This post was written by staff member, Matt Cocanougher.**

It is nearly impossible to imagine the state of Kentucky without the equine industry. From the Derby, to the Kentucky Horse Park, to our "unbridled spirit", horses are an integral part in creating the culture of the Bluegrass State. Because of their star stature and economic importance, one would assume that Kentucky's animal cruelty laws would be especially strict for those who abuse horses. Interestingly, however, Kentucky law on animal cruelty reserves its most severe punishment for animal fighting while designating other types of animal abuse as lesser offenses.

The Kentucky statute on animal fighting provides that the owner of an animal involved in fighting "for profit or pleasure" as well as the owner of the land where the fight occurred and "anyone who participates in the organization" of the fight are guilty of a Class D felony. Ky. Rev. Stat. Ann. § 525.125 (LexisNexis 2009). This crime carries a penalty of up to five years in prison as well as a fine of up to \$10,000. Ky. Rev. Stat. Ann. § 532.020 (LexisNexis 2009); Ky. Rev. Stat. Ann. § 534.030 (LexisNexis 2009). On the other hand, Kentucky's more general statute on animal cruelty states that a party is

guilty of animal cruelty in the second degree if they intentionally or wantonly: abandon the animal, are spectators or vendors at an animal fighting event, mutilate, beat or torture an animal other than a cat or dog, . . . or fail to provide adequate food, drink, space or health care for the animal. Ky. Rev. Stat. Ann. § 525.130(1)(a) (LexisNexis 2009). This crime is considered a Class A misdemeanor, and carries a punishment of up to 12 months in county jail along with a potential maximum fine of \$500. Ky. Rev. Stat. Ann. § 532.020 (LexisNexis 2009); Ky. Rev. Stat. Ann. § 534.040 (LexisNexis 2009). Given the similarities in the means used to abuse the animals in these statutes, should these two crimes have such a disparity in punishment?

This question is illuminated by a recent Lexington Herald Leader article covering an incident of animal cruelty in Danville, Kentucky. *See Danville Man to be Arraigned on Animal-Cruelty Charges*, LEXINGTON HERALD LEADER, *available at* [http://www.kentucky.com/latest\\_news/story/928474.html](http://www.kentucky.com/latest_news/story/928474.html) ([http://www.kentucky.com/latest\\_news/story/928474.html](http://www.kentucky.com/latest_news/story/928474.html)) (last visited Sept. 17, 2009). James Lancaster was charged with animal cruelty after starving horses that were in his care. After an anonymous tip to authorities, the emaciated horses were found in a barn north of Danville. Id. At the time the horses were found, "The equine body condition scores of the 10 animals were 1 and 2, with the highest possible score being 10." Id. Fortunately, veterinarians were able to treat these horses and they were taken out of Mr. Lancaster's care. Id. While this story had a happy ending, Mr. Lancaster's actions raise several legal issues. Even though his possible sentence of a year in jail and a \$500 fine is nothing to scoff about, it pales in comparison to what his penalty would have been if he had been involved in animal fighting. This begs the question, is starving or torturing an animal any less blameworthy than participation in animal fighting?

From a policy perspective, this situation also raises the issue of whether this result is tenable from the perspective of the horse industry as many horse owners must trust others to care for their animals. Those in care of the animals, like Mr. Lancaster, have a special responsibility to the horses and their owners. A punishment for animal abuses on par with that of animal fighting may provide a clear example of this special duty to those who are supposed to be caring for the animals.

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**Anonymous** 9 years ago · 0 Likes

It is my understanding, from someone who has a horse in training at this barn, that Mr. Lancaster was not being paid board on the horses -that one owner's arrearage was well over a year. That is no excuse in my book, since steps could & should have been taken before any

animal became neglected due to funds shortages or any other excuse. But this is the first time I have heard the owners of the neglected horses showed proof of board/training payment. Is that statement authoritative? Also, was the horses condition actually scored by a qualified vet as low as stated above -1 & 2? Again, the info I had was that they were poor, but not at death's door. None died nor were any euthanized.

I abhor cruelty toward any animal and wish the states had better laws to protect them. But I've seen a lot of posts about Mr. Lancaster that appear to be mostly assumptions and very inflammatory which I feel is unfair at this stage of the investigation. He's been involved with horses for many years and is a knowledgeable trainer though, it sounds, he's not much of a barn manager. As I said, to me there is no excuse for letting a situation get to the point of starvation/neglect/cruelty, but I will be interested to hear what information comes out in court. I believe it is set for early November.



**Anonymous** 9 years ago · 0 Likes

I am a paralegal in Oregon who follows with intense interest the recent spike in truly egregious cases of equine cruelty. I believe that the members of the Animallaw website (which includes law school departments focusing on the issues of laws and "consequences" of animal cruelty) have analyzed, state by state, which states' laws are most effective. I believe they concluded that the Commonwealth of Kentucky is among the worst five states on this issue.

Secondly, Mr. Lancaster's case as I understand it also involves elements of fraud as he initially claimed a "defense" (if you could call it that) of not being paid by his boarders. Unfortunately for Mr. Lancaster when the horses' actual owners were contacted they apparently produced abundant written proof including canceled checks of payment to the man who was supposed to be boarding and/or training their horses.

In my personal opinion most of these owners are equally at fault for these horses conditions as they simply placed their horses with Lancaster and never checked on them - arguably an inexcusable negligence on their part.

Finally, there appears to this non-Kentuckian who follows these types of stories in all states and often has to rely upon media coverage - often inaccurate coverage if later review of court documents and legal opinions are compared - there is vastly unequal application of what laws Kentucky DOES have relating to animal cruelty. One James "Les" Pease of Harrodsburg was the subject of a June 2009 seizure of Saddlebreds from his home farm with similar evaluations of body scores and other (vast) evidence of severe neglect. Of approximately fourteen seized horses he somehow with a talented (!) lawyer and the apparent machinations (as reported locally in forums) of the old-fashioned "good ol' boy network" only one equine case resulted in a charge against Pease - a misdemeanor, with a relatively low fine, and he and his lawyer are even fighting that one in a scheduled October trial. Even worse is eyewitness accounts of horses being shot in their stalls followed by immediate removal by a local dead livestock removal service which accounts were not even graced with investigation by the authorities even though as this apparently was done right when Pease knew he was going to be arrested and he intended - again, according to witnesses - to destroy evidence.

I quite agree with you that not only should animal fighting laws be ramped up in severity of punishment but any animal cruelty cases should be on a level with animal fighting laws. I do not know how the Kentucky political system works and frankly am not sure I want to - Oregon's is bad enough and leaves me wanting to go wash my hands and face every darn time I read about the nonsense that goes on (example: we recently tried to stop puppy mills out here and we did not succeed). I do think there needs to be a critical mass reached in media coverage, activism among those who would passionately love to see an end or at least reduction in animal cruelty incidents, and in awareness of legislators who always have an eye

toward media coverage of anything remotely affecting them. Until all three segments reach that wonderful philosophic "tipping point" why, then, the whole situation will just keep on keeping on.

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